

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INSITUFORM TECHNOLOGIES, INC.,)
)
Plaintiff,)
)
v.) Case No. 04 10487 GAO
)
AMERICAN HOME ASSURANCE COMPANY,)
)
Defendant.)

PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT

Plaintiff Insituform Technologies, Inc. ("Insituform"), by its attorneys, cross moves for summary judgment against defendant American Home Assurance Company ("American Home"). In support of this Motion, Insituform submits its separately filed Memorandum In Response To American Home's Motion For Summary Judgment And In Support Of Its Cross Motion For Summary Judgment, its separately filed Local Rule 56.1 Response To American Home's Statement Of Undisputed Facts And Insituform's Additional Undisputed Material Facts, the separately filed affidavits of Thomas Porzio, Chris Campos, Laurence Butler and Robert Kelley, and the Responses of American Home Assurance Company to Insituform's First Request For Admissions With Accompanying Interrogatory and Production Request (a true and correct copy of which is attached to this motion as Exhibit A).

WHEREFORE, Insituform respectfully requests that the Court grant summary judgment in its favor and against American Home with respect to Counts

I and II, and award Insituform damages of \$6,398,299, pre-judgment interest of \$1,249,134.36, costs and any other relief that this Court deems just and proper.

Request For Oral Argument

Pursuant to Local Rule 7.1(D), Insituform requests a hearing on this cross motion and believes that oral argument will assist the Court.

Rule 7.1(A) Certification

By signing below, the undersigned certifies that counsel for plaintiff has conferred in good faith with counsel for the defendant in a good faith effort to resolve or narrow the issue presented by this Cross Motion.

Dated: September 7, 2006

Respectfully submitted,

INSITUFORM TECHNOLOGIES, INC.

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